

Amendment Under 37 C.F.R. §1.111
Application No. 10/500,304
Attorney Docket No. 042529

REMARKS

This Amendment is filed in response to the Office Action dated July 11, 2006, in which the Examiner set forth a three-month period for response, making a response timely if filed on or before October 11, 2006.

Claims 2-4, 6-12 are currently pending. The text of pages 3 and 5 has been clarified, in view of Figure 1a, Figure 1b and Figure 1c each representing embodiments of different fibers.

I. The Objection to the Drawings

The drawings are objected to under 37 CFR 1.83(a).

The Examiner states that the drawings must show every feature of the invention specified in the claims. In particular, the Examiner states that the electrophotographic copying device must be shown in the drawings or the claims reciting the electrophotographic copying device must be cancelled. The Examiner also states that no new matter should be entered.

Applicants respectfully submit that the application, including only the drawings as originally filed, fully complies with 35 U.S.C. §112, 37 C.F.R. §§1.81, 1.83 and 1.84 and it is requested that the objection to the drawings be reconsidered and withdrawn.

Applicants are required to furnish drawings where necessary for the understanding of the subject matter to be patented. 35 U.S.C. § 113 and 37 C.F.R. §1.81(a).

Applicants respectfully submit that a drawing of an electrophotographic copying device is not necessary for the understanding of the subject matter to be patented and the invention can be easily comprehended and understood without a drawing. Electrophotographic copying devices

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are well known in the art. “A specification need not disclose what is well known in the art” (*AK Steel Corp. v. Sollac*, 68 USPQ2d 1280, 1287 (Fed. Cir. 2003)). See also MPEP 2163.3.(a). (“[w]hat is conventional or well known to one of ordinary skill in the art need not be disclosed in detail. If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met.”) (citations omitted).

Fig. 1 and Fig. 2 in JP 2006-47440 (attached) are examples of a general electrophotographic copying device having a conductive brush. The translated portion correspond to description of the numerals are shown. Fig. 1 is an outline drawing, which shows a general electrophotographic copying device having cleaning devices. Fig. 2 is a relevant part cross-section drawing, which shows the cleaning device. The relation between a conductive brush and an electrophotographic copying device, for example as shown in Fig. 1 and Fig. 2 of JP 206-47440, are well known in the art.

For the above reasons, it is respectfully submitted that applicants' specification, including the drawings, fully comply with 35 U.S.C. §112, 37 C.F.R. §§1.81, 1.83 and 1.84 and it is requested that the objection to the drawings be reconsidered and withdrawn.

II. The Allowable Subject Matter

The Examiner indicates that claims 2-3 and 6-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claims 2-3 and 6-11 have been rewritten to be in independent form, including all of the limitations of the base claim and any intervening claims. Claim 4 has been amended to depend on claims 2 and 3, which the Examiner indicated was allowable subject matter. New claim 12 includes the subject matter of claim 9, which the Examiner indicated was allowable subject matter.

In view thereof, Applicants respectfully request reconsideration and withdrawal of the art rejections based on Mizoe et al (5,805,961) and Swift (5,689,791).

III. The Claim Objections

Claims 5 and 9-11 are objected to as allegedly containing “informalities.”

- (1) The Examiner states that claim 5 recites an electrophotographic copying device but does not recite any electrophotographic copying means or components.
- (2) The Examiner states that claims 9-11 recite an electrophotographic copying device in the preamble but are dependent upon claims that recite a conductive brush in their preamble.

Applicants respectfully submit that the present claims are clear and definite as written and that they particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants request that the Examiner reconsider and withdraw the objections in view of the following remarks.

- (1) First of all, claim 5 has been cancelled. It is also respectfully submitted that the Examiner is technically not correct in stating that claim 5 does not contain any components

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contained in an electrophotographic copying device. The conductive brush is contained in the electrophotographic copying device.

Second, Applicants respectfully submit that the electrophotographic copying “means” or “components” are inherent in the claim language “an electrophotographic copying device.” Applicants respectfully submit that the preambles of claims 9-11 “breath life and meaning” into the claims. See MPEP 2111.02.

(2) Claims 9-11 have been rewritten into independent form. Therefore, Applicants respectfully submit that the Examiner’s objection is moot.

Further, the Examiner’s apparent position is that the electrophotographic copying device claim can not be “dependent” from the conductive brush claim is not correct under U.S. practice. As set forth in MPEP 608.01(n).III., last two paragraphs, “[t]he fact that a dependent claim which is otherwise proper might relate to a separate invention which would require a separate search or be separately classified from the claim on which it depends would not render it an improper dependent claim” and “[t]he fact that the independent and dependent claims are in different statutory classes does not, in itself, render the latter improper.” See also MPEP 2173.05(f).

See also *Ex parte Porter*, 25 USPQ2d 1144, 1145 (BPAI 1992) (claim 6); and *Ex parte Blattner*, 2 USPQ2d 2047, 2047–48 (BPAI 1987) (claim 14) for USPTO approval of such types of claims.

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For the above reasons, it is respectfully submitted that Applicants' claims are clear and definite and it is requested that the objection to the claims be reconsidered and withdrawn.

IV. Conclusion

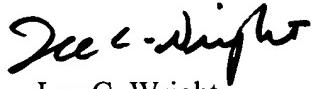
In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the objections to the drawings and the claims and the rejections under 35 U.S.C. §102 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Attachment: Fig. 1 and Fig. 2 of JP 2006-47440